

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

JASON GOODMAN

Plaintiff,

vs.

CHRISTOPHER ELLIS BOUZY, BOT
SENTINEL, INC, GEORGE WEBB
SWEIGERT, DAVID GEORGE SWEIGERT,
BENJAMIN WITTES, NINA JANKOWICZ,
ADAM SHARP, MARGARET ESQUENET,
THE ACADEMY OF TELEVISION ARTS
AND SCIENCES, SETH BERLIN,
MAXWELL MISHKIN

Defendants

Case No.: 1:21-cv-10878-AT-JLC

**MOTION TO QUASH SUBPOENA AND
TO ISSUE A PROTECTIVE ORDER**

Jason Goodman (“Goodman”), by and for himself pro se, moves this honorable Court for an order quashing the subpoena sought by David George Sweigert (“Sweigert”) and a protective order specifically preventing Sweigert from harassing litigants and witnesses in this case. Sweigert’s subpoena (Case 1:21-cv-10878-AT-JLC Document 166) does not seek information relevant to the adjudication of this instant action but is merely a continuation of the persistent harassment and cyberstalking of Goodman that Sweigert has engaged in for the past six years.

PRELIMINARY STATEMENT

Sweigert has already informed Goodman, the other litigants, and the non-party recipient of the subpoena, that he intends to provide whatever he finds to the Internal Revenue Service (“IRS”) and encourage an investigation into Goodman. **(EXHIBIT A)**

1 Earlier today, noted journalist Matt Taibbi published a story indicating he
 2 received an intimidating and possibly illegal visit from an IRS agent which is now being
 3 investigated by Congress. (<https://judiciary.house.gov/media/press-releases/chairman-jordan-raises-alarm-potential-irs-weaponization-against-american>).
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 5

6 **Sweigert’s Subpoena of Patreon Should be Quashed**

7 Federal Rule of Civil Procedure 45(d) provides that the party responsible for
 8 issuing and serving a subpoena “must take reasonable steps to avoid imposing undue burden
 9 or expense on a person subject to the subpoena.” Fed. R. Civ. P. 45(d)(1). In response to a
 10 timely motion, a court must quash or modify any subpoena that:
 11

12 (i) fails to allow a reasonable time to comply; (ii) requires a person to comply
 13 beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged
 14 or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue
 15 burden. *See* Fed. R. Civ. P. 45(d)(3)(A)(i)–(iv).
 16

17 Goodman seeks to quash this subpoena on the grounds that (1) Sweigert does
 18 not have “good cause” to subpoena Patreon for Goodman’s financial information and,
 19 alternatively, (2) the information sought subjects Goodman to an undue burden because
 20 Patreon is the authorized custodian of certain private information owned by Goodman and
 21 Sweigert has already admitted he intends to use it for a malicious purpose. Sweigert admits
 22 he will not use the information to establish facts in his own defense in this matter, but to
 23 burden Goodman with an unfounded and costly investigation.
 24
 25

26 **A. Good Cause**

27 Sweigert cannot demonstrate good cause for seeking a subpoena directing
 28 MOTION TO QUASH SUBPOENA AND TO ISSUE A PROTECTIVE ORDER - 2

1 Patreon to disclose facts and details about Goodman;s earnings or other personal financial
2 information. Moreover, Sweigert has already demonstrated a years long pattern of stalking,
3 cyberstalking, harassing and intimidating Goodman. Now, he openly admits he intends to
4 further harass Goodman by attempting to encourage an IRS investigation into Goodman with
5 no good cause for any such investigation. In deciding whether such a subpoena should be
6 quashed, courts in this Circuit generally consider the following five factors:
7

8 (1) A concrete showing of a prima facie claim of actionable harm; (2) [the]
9 specificity of the request; (3) the absence of alternative means to obtain the subpoenaed
10 information; (4) a central need for the subpoenaed information to advance the claim; and (5)
11 the party's expectation of privacy.
12

13 Sweigert has not specified any financial activity by Goodman related to
14 Patreon that has caused him actionable harm. In fact, Sweigert has repeatedly failed to
15 demonstrate that Goodman has acted in any way that is actionable relative to Sweigert.
16 Sweigert v Goodman Case 1:18-cv-08653-VEC-SDA was dismissed with prejudice on
17 March 1, 2022. Sweigert v Goodman (Case 1:22-cv-02788-LGS-BCM) was voluntarily
18 dismissed on July 19, 2022. Sweigert v Multimedia System Design, Inc. was voluntarily
19 withdrawn upon the appearance of counsel on August 2, 2022. (See Case 2:22-cv-10642-
20 GAD-EAS ECF No. 64)
21

22 Every attempt Sweigert has made to intervene, including his attempt in this
23 instant action, has been denied because Sweigert is not a legitimate litigant with legitimate
24 claims. He is a serial harasser and vexatious abuser of the law and the U.S. District Court
25 System who has made numerous public declarations and demonstrations against his own
26 MOTION TO QUASH SUBPOENA AND TO ISSUE A PROTECTIVE ORDER - 3
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1 interest that are likely to cause a reasonable observer to conclude that he is mentally ill and a
2 threat to Goodman's safety.

3
4 Sweigert's request is not sufficiently specific. He states his desire for
5 Goodman's financial records but does not specify why they are needed or why an IRS
6 investigation would be warranted. While it is true, Sweigert does not have a reasonable
7 alternate means to obtain the information, he also has no right to access it and has not stated a
8 central need for the subpoenaed information to advance any particular claim. The
9 subpoenaed party has been granted the authority to be custodian of certain personal
10 information related to Goodman, and in this case, Goodman's expectation of privacy exceeds
11 Sweigert's stated need for this information.
12

13 **B. Undue Burden**

14
15 When seeking to quash the subpoena on undue burden grounds, "[a] party
16 usually does not have standing to object to a subpoena directed to a non-party," Langford v.
17 Chrysler Motors Corp., 513 F.2d 1121, 1126 (2d Cir. 1975), unless there is "a claim of
18 privilege," id., or the party shows "a sufficient privacy interest in the confidentiality of [the]
19 records," Olympic Chartering, S.A. v. Ministry of Indus. & Trade of Jordan, 134 F. Supp. 2d
20 528, 535 (S.D.N.Y. 2001) (internal quotation marks omitted). Sweigert's subpoena of
21 Patreon subjects Goodman to undue burden because it seeks personal records that Goodman
22 has a sufficient privacy interest in protecting.
23
24

25 **C. Protective Order**

26 The Court should grant a protective order preventing Sweigert from contacting
27 witnesses or other litigants in this case unless he has good cause to do so. On March 24,
28
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2023, Sweigert sent an email to Richard Louri ("Louri") and litigants in this action.

(EXHIBIT B)

The email was directed at Louri, non-party recipient of a subpoena from Goodman (*See* Case 1:21-cv-10878-AT-JLC Document 165) and stated in relevant part, "This concerns the subpoena you have received. Whatever documents you are considering sending to Jason Goodman you are commanded to send the exact same copies of such documents to this e-mail address as well."

The outrageous and inappropriate nature of this communication cannot be overstated. Goodman has accused Sweigert of conspiring with Louri to file a forged document (*See* Sweigert v Cable News Network Case 2:20-cv-12933-GAD-KGA ECF No. 12) in the U.S. District Court for the Eastern District of Michigan ("MIED"). The pro se electronic filing receipt for the allegedly forged document is the subject of Goodman's subpoena to Louri. Sweigert's aggressive efforts to interfere with Goodman's ability to access evidence that would prove or disprove his allegation should serve as additional evidence of Sweigert's guilt. Irrespective of any conclusions formed based on Sweigert's actions, it cannot be denied that Sweigert has no authority to command non-parties, witnesses, or litigants in this matter to do anything. Sweigert subverts the authority of this honorable Court by attempting to exert his own authority over parties and non-parties to this matter and a protective order should be issued to prevent him from continuing this pattern.

CONCLUSION

For the reasons stated herein, a protective order should be issued immediately, the subpoena should be quashed and Sweigert should be denied access to Goodman's

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1 personal financial information in addition to any other relief as the Court may find.
2
3

4 Signed this 28rd day of March 2023

5 Respectfully submitted,
6



7 Jason Goodman, Plaintiff, Pro Se
8 252 7th Avenue Apt 6s
9 New York, NY 10001
10 (323) 744-7594
11 truth@crowdsourcethetruth.org
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(EXHIBIT A)

From: Spoliation Notice spoliation-notice@mailbox.org

Subject: Re: Goodman v. Bouzy, et al. Case No. 21-cv-10878-AT-JLC

Date: March 28, 2023 at 7:16 AM

To: Trina Alcalan talcalan@patreon.com, colin@patreon.com, legal@patreon.com, copyright@patreon.com, truth@crowdsourcethetruth.org, jason@21stcentury3d.com, Liz Lockwood liz.lockwood@alilockwood.com, Berlins berlins@ballardspahr.com, mishkinm@ballardspahr.com, margaret.esquenet@finnegan.com, georg.webb@gmail.com, Spoliation Notice spoliation-notice@mailbox.org, spoliation@posteo.net

Cc: Ty Layton ty@patreon.com

To: Patreon

The copy of the previous subpoena was mistakenly signed by the Clerk of the Court and sent to the Patreon subscriber:

Jason Goodman dba CrowdSource The Truth dba 21st Century 3D

A new fresh subpoena will be sent to the Clerk for a correct signature and to be forwarded to the undersigned. You will then be served with a copy.

As a courtesy to your office copies of these communications will be provided to the Internal Revenue Service in the event that Patreon is not adequately paying New York State taxes for Mr. Goodman.

It may be prudent to begin working on an audit readiness file in anticipation of IRS Civil Investigative Demands.

Best,

On 03/27/2023 10:06 AM PDT Trina Alcalan <talcalan@patreon.com> wrote:

Hello –

This is Trina from the Patreon legal department. Thank you for providing a courtesy copy of your subpoena in the above related matter. Please note that Patreon cannot respond to your request without formal service of process on our designated agent. For the most up-to-date information on our designated agent in your jurisdiction, please refer to your secretary of state's business registration database.

Best regards,
Trina Alcalan

Trina Alcalan
Senior Paralegal | Legal Operations Manager
talcalan@patreon.com

(EXHIBIT B)



David George "Acton" Sweigert

Re: Filed with the court

To: Jason Goodman, Richard_Joury, Cc: Maxwell S. Mishkin, Seth D. Berlin, Liz Lockwood & 4 more

[Details](#)

To: Richard Loury

This concerns the subpoena you have received.

Whatever documents you are considering sending to Jason Goodman you are commanded to send the exact same copies of such documents to this e-mail address as well.

Best,



OFFICE OF DISCIPLINARY COUNSEL

February 27, 2023

CONFIDENTIAL

D. Geo. Sweigert

Sent via email only: spoliation-notice@mailbox.org

Re: **Esquenet/Sweigert**
Undocketed No. 2023-U051

Hamilton P. Fox, III
 Disciplinary Counsel

Julia L. Porter
 Deputy Disciplinary Counsel

Senior Assistant Disciplinary Counsel
 Theodore P. Metzler
 Becky Neal

Assistant Disciplinary Counsel
 Carol G. Donayre
 Jerri U. Dunston
 Dru M. Foster
 Jason R. Horrell
 Ebtehaj Kalantar
 Jelani C. Lowery
 Sean P. O'Brien
 Joseph C. Perry
 Melissa J. Rolffot
 William R. Ross
 Traci M. Tait
 Cynthia G. Wright

Senior Staff Attorney
 Lawrence K. Bloom

Staff Attorney
 Arquimides R. Leon
 Amanda Ureña
 Angela M. Walker

Manager, Forensic Investigations
 Charles M. Anderson

Investigative Attorney
 Azadeh Matinpour

Dear Mr. Sweigert:

We reviewed the disciplinary complaint you filed against Margaret A. Esquenet, Esquire, one of the defendants in *Goodman v. Bouzy, et al.*, Case No. 1:21-cv-10878, filed in the U.S. District Court for the Southern District of New York. You are the *pro se* plaintiff in that case and the CEO of Multimedia System Designs, Inc. ("MSD"). You state Ms. Esquenet represented MSD's opposing party in an earlier civil dispute.

You attached what appears to be a version of the amended complaint filed January 17, 2023, alleging that Ms. Esquenet engaged in misconduct, including that she participated "in a scheme to commit fraud on the Court . . . by initiating fraudulent litigation for an improper purpose . . ."

Because your complaint involves Ms. Esquenet's conduct in a pending civil lawsuit, you may raise your concerns with the court, which is in a better position to consider your allegations at this time. We will not interfere with the judicial process. Accordingly, we decline to open a formal investigation at this time. If a court or other tribunal finds Ms. Esquenet behaved improperly or engaged in misconduct, you may submit the court's decision for our consideration. We will then assess the matter to determine whether it should be docketed, which, under the rules that govern this office, means a complaint: (1) is not unfounded on its face; (2) contains allegations, which, if true, would constitute a violation of the Attorney's Oath of Office or the Rules of Professional Conduct that would merit discipline; and (3) concerns an attorney admitted to practice law in the District of Columbia.

Thank you for bringing your concerns to our attention.

Sincerely,

Angela Walker
 Staff Attorney

AW:BN:mto